

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, FORMALLY ACCEPTING AN EASEMENT FOR UTILITY PURPOSES ONLY, OVER, ACROSS AND UNDER THE PRIVATE ROAD RIGHT-OF-WAY AND ADJACENT PLATTED 10' EASEMENTS ABUTTING THE PRIVATE ROAD OF RUFFNER LANE IN THE RIVER TREES SUBDIVISION WITHIN UNINCORPORATED INDIAN RIVER COUNTY, FLORIDA.**

**WHEREAS**, by Confirming Resolution No. 2021-\_\_\_\_\_, the Board of County Commissioners approved a special assessment project for a water main extension and sewer main extension (the “utilities”) to be constructed from Bay Street along Ruffner Lane within River Trees Subdivision; and

**WHEREAS**, the utilities are to be constructed within the private roadway labeled as Ruffner Lane on the plat of River Trees Subdivision; and

**WHEREAS**, in order for Indian River County to construct and maintain the utilities within the private roadway, it is necessary for Indian River County to have an easement within the private roadway; and

**WHEREAS**, the plat of River Trees Subdivision, recorded in Plat Book 9, Page 24, has specific dedication language that all streets and easements are for the use of the property owners in the subdivision, with the full knowledge that the same are not dedicated to the public until there is a formal acceptance of these streets and/or easements, or any part thereof, by the County; and

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**WHEREAS**, it is the desire of the Board of County Commissioners to only formally accept an easement for utility purposes over, across and under Ruffner Lane and the adjacent platted 10' easements within River Trees Subdivision, and it is not the intention of the Board of County Commissioners to accept the roadway as public, nor the maintenance of said roadway,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA** that:

1. The Board of County Commissioners of Indian River County, Florida expressly and formally accepts an easement for utility purposes only, over, across and under the private roadway labeled as Ruffner Lane and the adjacent platted 10' easements on the plat of River Trees Subdivision, as recorded in Plat Book 9, Page 24 of the Public Records of Indian River County, Florida.

2. The Board of County Commissioners of Indian River County, Florida does not accept the roadway as a public road nor the maintenance for the road.

This resolution was moved for adoption by Commissioner \_\_\_\_\_, and the motion was seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

- Chairman Joseph E. Flescher \_\_\_\_\_
- Vice Chairman Peter D. O'Bryan \_\_\_\_\_
- Commissioner Susan Adams \_\_\_\_\_
- Commissioner Laura Moss \_\_\_\_\_
- Commissioner Joe Earman \_\_\_\_\_

The Chairman thereupon declared the resolution duly passed and adopted this 20th day of April, 2021.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

By \_\_\_\_\_  
Joseph E. Flescher, Chairman

ATTEST: Jeffrey R. Smith, Clerk  
of Court and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Dylan Reingold  
County Attorney